

**ZONING ORDINANCE
CITY OF TITUSVILLE**

2009

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**ZONING ORDINANCE
CITY OF TITUSVILLE, PENNSYLVANIA**

Article 1 - General Provisions

101 Title: The official title of this Ordinance is: "Zoning Ordinance, City of Titusville, Pennsylvania."

102 Effective Date: This Ordinance shall become effective twenty (20) days after final passage by Council.

103 Compliance: No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

104 Severability: The provisions of this Ordinance shall be severable, and, if any of its provisions shall be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

105 Repeal: All ordinances, or part thereof, conflicting herewith, be and the same, are hereby repealed. Specifically repealed are Ordinance 1681 of October 23, 1967 and all amendments thereto.

106 Authority: This Ordinance is adopted pursuant to the powers granted to the City by Article VI and Section 601 of the Pennsylvania Municipalities Planning Code.

107 Purpose and Provisions: The purposes and provisions of this Ordinance are those as set forth by Sections 603, 603.1, and 604 of the Pennsylvania Municipalities Planning Code.

108 Statement of Community Development Objectives: To implement the Oil Creek Regional Multi-Municipal Comprehensive Plan, as amended, adopted on _____.

1. To preserve the essential character of the City of Titusville.
2. To allow for residential development of all types.
3. Protect the existing commercial uses, fostering the orderly and selective growth of businesses in appropriate locations.

4. Protect the existing industrial uses and accommodate the redevelopment of brownfield industrial sites.
5. To guide development into locations and patterns which will serve to protect property values and preserve residential neighborhood character where such character has been established, preventing incompatible uses of building and sites which would have the effect of undermining such values and neighborhood character, while allowing adaptive re-use.
6. To allow citizens maximum opportunities to develop their property consistent with the other objectives of this Ordinance.
7. To protect environmentally sensitive areas and allow for development and expansion.
8. To promote limited mixed (residential/restricted commercial) uses along the Route 8 corridor.
9. To allow a Gallery Overlay District along Main Street to enhance a historic neighborhood.
10. To provide for the preservation of historic areas within the City through the use of a Historic Overlay District.
11. To encourage the viability of the Titusville downtown by allowing a mixture of uses and encourage the use of upper stories of buildings for commercial and residential uses.
12. To preserve and promote a pedestrian friendly community and support developing greenways and open space within Titusville, especially along Oil Creek.

Article 2 - District Regulations

201 Zoning Map: A map entitled “Zoning Map, City of Titusville, Pennsylvania” is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the City (Clerk or Code Officer) Office. Copies of the Zoning Map, together with the Zoning Ordinance, shall be made available to the general public by the City at a reasonable fee to be determined by City Council.

202 Zoning Districts: The City is divided into the districts stated by Table 204 and Table 205 in this Ordinance and as shown by the district boundaries on the Zoning Map. The districts are:

202.10 S-1 Special Conservation: These are areas of the City where steep slopes or other physical concerns limit development. Parks and cemeteries are also included in this district. By design, this district is limited to low-intensity uses and requires a larger lot size.

202.20 Residential Districts: Districts designated for residential use are for dwellings and the uses normally associated with residential neighborhoods. Such uses include schools, churches and parks. The Residential Limited Business District (RLB) has been specifically designed for mixed-use areas. The specific purpose of each of the residential districts is as follows:

202.21 R-1 Single-Family Residential Districts are for single-family residential developments and associated uses.

202.22 R-2 Two-Family Residential Districts are for single, two-family and limited multi-family residential developments of low to moderate density. Home occupations and complementary uses are also permitted.

202.23 R-3 Multiple-Family Residential District is a district designed to accommodate a variety of residential uses along with selected commercial activities.

202.24 RLB Residential Limited Business: In this district, residential and limited commercial activities are permitted which are deemed compatible with nearby residential areas. These districts often have mixed uses and are along busy transportation corridors.

202.25 Gallery Overlay District: An overlay district focusing along Main Street to allow for alternative uses of the City’s older, often historic, structures.

202.30 Commercial Districts: The City has two commercial zoning districts. One is designed for traditional downtown commercial and the second is designed for the downtown frame area.

202.31 C-1 Commercial District: This covers the City's traditional downtown commercial area. Because of its existing development patterns, parking requirements are not applied for non-residential uses in this district.

202.32 C-2 Commercial District: To a large extent, uses in this district are similar to the C-1 District. However, as existing development is not as intense, parking requirements are applied.

202.40 I-Industrial Districts: This includes the City's traditional industrial district to accommodate current and future industrial activities as well as a special Urban Industrial District.

202.41 I-Industrial District: This includes the City's traditional industrial district to accommodate current and future industrial activities.

202.42 UI-Urban Industrial District: This district is intended to accommodate existing industrial development already in the City while minimizing its impact on nearby residential areas.

202.43 IOD – Industrial Overlay District: This district is primarily intended to facilitate the redevelopment of older brownfield industrial areas.

202.44 – The Historic Overlay District: This district functions as an overlay district and is intended to allow property owners to protect historically significant areas of the City.

203 District Boundaries: District boundaries that are shown within the lines of streets, streams and transportation right-of-ways shall be deemed to follow the centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

204 Permitted Uses, Conditional Uses and Special Exceptions: The permitted uses, conditional uses and special exceptions for each district are shown in the following sections and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the City Council after the recommendation of the Planning Commission and in

accordance with the provisions of this Ordinance. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a conditional use or special exception, the City Council or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Permitted uses will be approved or denied by the Zoning Officer according to the provisions of this Ordinance. There are overlay districts used in this Ordinance. An overlay district sets forth certain regulations that are in addition to those of the primary zoning district.

If abutting non-industrial uses, the applicant shall present a plan for screening and buffering which will minimize any impact and filter most light and noise.

Please note: some permitted uses have additional or more specific conditions with the appropriate section number shown in parenthesis. Not all permitted uses have such additional conditions.

Uses in each category shall be according to the common meaning of the term, or as set forth in Article 7.

204A Special Provisions: This section is intended to comply with the requirements of §603(C) of the Pennsylvania Municipalities Planning Code:

1. **Prime Agricultural Land:** The City of Titusville is an urban place and is nearly fully developed. There are no active farms currently within its borders. Provisions for agricultural operations are found in the other municipalities within the Oil Creek area. *Note: The keeping of large animals in the City for personal use is not regarded as an agricultural operation. It is, however, governed by health regulations of the City.*
2. **Historic Preservation:** The City of Titusville supports the concept of historic preservation, and this Ordinance allows for the conversion of older large dwellings into apartments or offices. The Historic and Gallery Overlay Districts have been specifically created for this purpose.
3. **Forestry:** The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. It is subject to the following conditions:
 - a. Any harvesting shall present an approved erosion and sediment control plan (as needed) prior to the issuance of a zoning permit.
 - b. In all districts, to avoid traffic congestion and sound disturbance, all activities must start after 8:00 a.m. and end by 5:00 p.m. during the workweek, and on Saturday. No Sunday work shall be permitted.

- c. Contact must be made prior to the start of activities of all aboveground and underground utilities.

**Table 204
Schedule of Use Districts**

204.10 S-1 Special Conservation District*

Permitted Uses

Forestry (204A3)
Public Parks

Essential Services
Accessory Uses and Structures

Special Exceptions

Public Utility Substations/Facilities (207.10)
Cemeteries (207.32)
Colleges/Universities (207.37)

Single-Family Dwellings
No Impact Home-Based Businesses

*See 207.29 for all developments in this District.

204.21 R-1 Single-Family Residential District

Permitted Uses

Forestry (204A3)
Single-Family Dwellings
Schools (207.12)
Public Parks

Churches
Accessory Uses and Structures
Essential Services
Colleges/Universities (207.37)
No Impact Home-Based Businesses

Special Exceptions

Bed and Breakfast Inns (207.15)
Public Utility Substations (207.10)

Family Day Care Homes (207.23)
Two-Family Dwellings (207.40)

204.22 R-2 Two-Family Residential District

Permitted Uses

Forestry (204A3)	Two-Family Dwellings
No Impact Home-Based Businesses	Parks and Playgrounds
Family Day Care Homes (207.23)	Schools (207.12)
Churches	Accessory Uses and Structures
Single-Family Dwellings	Essential Services
Museums	

Special Exceptions

Group Day Care Homes (207.23)	Hospitals (207.12)
Public Utility Substations/Facilities (207.10)	Funeral Homes (207.16)
Three- and Four-Family Dwellings (207.14)	Assisted Living Facilities (207.28)
Bed and Breakfast Inns (207.15)	Personal Care Boarding Homes (207.18)
Conversion Dwellings (207.19)	Colleges and Universities (207.37)
Insurance Offices (207.21)	Lawyers (207.21)
Home Occupations (207.11)	

204.23 R-3 Multiple-Family Residential District

Permitted Uses

Forestry (204A3)	Two-Family Dwellings
Single-Family Dwellings	Accessory Uses and Structures
Public Parks and Playgrounds	Conversion Dwellings (207.19)
Essential Services	Boarding/Rooming Homes (207.17)
Churches	Home Occupations (207.11)
No Impact Home-Based Business	Bed and Breakfast Inns (207.15)
Group and Family Day Care Homes (207.23)	Accessory Uses and Structures
Essential Services	Three- and Four-Family Dwellings (207.14)
	Dwelling / Multiple-Family

Special Exceptions

Day Care Centers (207.23)	Funeral Homes (205.16)
Schools (207.12)	Townhouse Developments (207.13)
Assisted Living Facilities (207.28)	Personal Care Homes/Adult Day Care (207.18)
Public Utility Substations/Facilities (207.10)	Hospitals (207.12)
Insurance Offices (207.21)	Professional Offices (207.21)
Lawyers (207.21)	

204.24 RLB Residential Limited Business District

Permitted Uses

Professional Offices (207.21)	Public Buildings
Funeral Homes (207.16)	Accessory Uses and Structures
Personal Services	Essential Services
Banks and Offices (207.21)	Bed and Breakfast Inns (207.15)
Public Parking (207.24)	Forestry (204A3)
Single-Family Dwellings	Limited Retail Business
Two-Family Dwellings	

Special Exceptions

Three- and Four-Family Dwellings (207.14)	Conversion Dwellings (207.19)
Public or Private Ambulance Service on a Main Highway (207.20)	Personal Care Boarding Homes (207.18)
	Assisted Living Facilities (207.28)

In the RLB District, the total floor area of the principal structure and all accessory uses shall not exceed three thousand (3,000) square feet.

204.25 Gallery Overlay District

Permitted Uses

Special Exceptions

Conditional Uses

Gallery Use (207.39)

204.30 C-1 Downtown Commercial District

Permitted Uses

Retail Uses	Forestry (204A.3)
Restaurants, Bars and Taverns	Accessory Uses and Structures
Banks and Offices (207.21)	Essential Services
Gas Stations	Hotels and Motels (207.26)
Public/Private Parking	Residential above the first floor (207.09)

Special Exceptions

Service Garage (207.33)	Places of Assembly
Shopping Centers (207.38)	Public or Private Ambulance Service on a Main Highway (207.20)

In the C-1 District, which is in the Titusville downtown, parking requirements do not apply, due to available on-street parking, existing development patterns, and lot parking.

204.31 C-2 Commercial District

Permitted Uses

Retail Uses	Forestry (204A3)
Restaurants, Bars and Taverns	Accessory Uses and Structures
Banks and Offices (207.21)	Essential Services
Gas Stations	Hotels and Motels (207.26)
Places of Assembly	Public/Private Parking

Special Exceptions

Service Garage (207.33)	Public or Private Ambulance Service on a Main Highway (207.20)
Shopping Centers (207.38)	
Residential Above the First Floor (207.09)	

204.41 I-Industrial District

Permitted Uses

Corporate and Business Offices
Forestry (204A.3)
Light Manufacturing
Equipment Rental Service
Service Garage
Signs/Outdoor Advertising
Self-Storage Facilities
Contractor Yards
Supply Yards

Laboratories
Warehousing
Wholesale Business
Accessory Uses and Structures
Essential Services
Off-Street Parking Lots
Communication Towers/Antennas (207.22)
Public Utility Substations/Facilities (207.10)
Truck Terminals

Conditional Uses

Communications Towers (207.22)
Scrap Yards (207.34)
Heavy Manufacturing (207.35)
Adult Oriented Businesses (207.36)

Gas Wells (207.31)
Gas Transmission Lines (207.30)
Methadone Treatment Facilities (207.27)

204.42 UI - Urban Industrial District

Permitted Uses

Light Manufacturing
Commercial Laundries

Accessory Uses and Structures
Forestry (204A3)

Special Exceptions

Residential

204.43 IOD Industrial Overlay District

See Section 206

204.44 Historic Overlay District

See Article 6.

Table 205 – Lot and Yard Requirements

	S-1 Special	R-1 Residential	R-2 Residential	R-3 Residential	RLB Commercial	C-1 and C-2 Commercial	Industrial	Urban Industrial
Minimum Lot Area (square feet)	43,560	7,500	5,000	5,000	5,000	4,000	10,000	7,500
Minimum Lot Area per Family (square feet)	43,560	7,500	3,500	1,500	1,500	1,000	NA	NA
Minimum Width of Lot (feet)	150	60	40	40	40	20	75	60
Minimum Depth of Front Yard (feet)	35	20	20	20	20	0	30	20
Minimum Width of each Side Yard (feet)	40	5	5	5	0	0	15	15
Minimum Depth of Rear Yard (feet)	30	20	20	20	20	0	0	20
Maximum Height (feet)	45	45	45	45	45	45	45	45

Certain uses that are special exceptions or conditional uses will have other lot density regulations, which will be used in lieu of those set forth by this table.

205 Lot, Yard and Height Requirements: The minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, total combined width and minimum width of side yards, maximum height of structures and number of stories, and minimum floor area per dwelling for each district are specified in Table 205.

205.10 Lots of Record: In any district in which one-family dwellings are allowed, any lot of record existing at the effective date of this Ordinance and held in separate ownership different from ownership of adjoining lots may be used and occupied by a single-family dwelling even though its lot area is less than the minimum requirement of this Ordinance, provided all requirements for front, side and rear yards are met.

205.11 Front Yards: In any zoning district where a structure exists on any adjacent lot having a front yard greater or lesser than the minimum depth required, the minimum depth of the front yard for the proposed structure shall be the average depth of the existing structures on either side of the proposed structure. On corner lots, or lots where there is only one abutting structure, the front yard shall be the average setback for the block. (See also 205.14.)

205.12 Rear Yards: In measuring the depth of rear yards, where the rear lot line is not parallel with the front lot line, or the principal structure, the average dimension may be used.

205.13 Height: Appurtenances to buildings, chimneys, stacks, elevator bulkheads, penthouses, gas or water towers, cooling towers, stage towers or scenery lofts and other necessary mechanical appurtenances, where permitted by building code and use regulations, and erected upon and as an integral part of the building, or a monument, shaft, spire, dome, tower, if erected for ornamental purposes only, may be erected or extended above the height limit of the district, provided that any such structure shall set back from the vertical plane of the permitted building line one (1) foot horizontally for each two (2) feet of extra height. Communications towers and antennae are governed by Section 207.22.

205.14 Corner Lots: Lots that abut more than one (1) street shall provide the required front yard, based upon the front yard orientation of other structures in the block. The yard on the other street will be a side yard.

205.15 Yard Spaces: All structures attached to the principal structure, excluding detached accessory structures, and whether open or enclosed, including porches, carports, attached garages, balconies, and bay windows above grade level, shall comply with all the required front, side and rear yards. In an "R" District, a roof eave or overhang of a roof shall not project more than twelve (12) inches into required yard spaces. For larger

overhangs, the building shall be set back accordingly. However, handicap ramps without a roof or enclosed sides are exempt from this rule.

205.16 Intersections: No wall, tree, shrubs or flowers shall create a visual obstruction at City intersections.

205.17 Lot Coverage: Maximum lot coverage by buildings, as indicated in Section 205, shall not include ground-floor roofless decks and in-ground swimming pools.

205.18 Accessory Structures and Swimming Pools: Small garden sheds, dog kennels, storage sheds and similar accessory structures may be permitted in rear yard areas, provided such structure does not lie closer than five (5) feet to the side lot line or within ten (10) feet of the rear property line. Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than five (5) feet from any lot line.

205.19 Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance, applicable to the principal building.

205.20 Fire Escapes and Other Permitted Projections: Nothing contained in this Ordinance shall prevent the projection of an open fireproof escape or stairway into a rear or side yard for a distance not to exceed four (4) feet.

206 Industrial Overlay District (IOD): The Industrial Overlay District (IOD) is a distinct industrial zoning district designation as defined on the official zoning map for the City of Titusville whereby certain dimensional (i.e. lot and yard), bulk and/or projection standards have been relaxed in order to maximize the potential for the timely redevelopment of the area within the IOD. The IOD is not transferable to other zoning districts within the City. The IOD zoning designation may be reduced in whole or in part upon conveyance of the asset(s) to another party at the discretion of City Council.

206.10 Incorporation and Inconsistent Provisions: All provisions of the Titusville Zoning Ordinance shall apply and be incorporated to the IOD except insofar as inconsistent provisions are specifically set forth in this Article, in which case(s) the provisions specifically set forth in this Article shall apply. Whenever any ambiguity occurs in the interpretation of any section of this Article and any other section of the Titusville Zoning Ordinance, that ambiguity shall be interpreted in a manner as to result in the least restrictive application of the overall Zoning Ordinance to the IOD.

Definitions:

1. "Building" means a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.
2. "Conditional Use" means a use to be allowed or denied by the City Council pursuant to public notice and hearing after review and recommendation by the City of Titusville Planning Commission and pursuant to the expressed standards and criteria set forth in this Ordinance.
3. "Construction" means the construction of a new structure or the complete renovation of an existing structure. Any renovation involving an existing structure shall not be considered construction provided that the renovation does not extend the building beyond its boundaries as existing on the effective date of this Article.
4. "Manufacturing, Heavy" means those manufacturing processes which do not meet the standards outlined for light manufacturing. For purposes of the IOD, Heavy manufacturing, by definition, shall not include:
 - a. Abattoir
 - b. Animal fertilizer manufacturers
 - c. Facilities for the incineration, reduction or storage of offal, garbage or dead animals
 - d. Manufacturer of gunpowder or explosives
 - e. Fat, lard or tallow rendering
 - f. Glue, size or gelatin manufacturer
 - g. Paper and pulp manufacturer

- h. Tanneries or rawhide or skin storage
- i. Auto wrecking and junkyards

206.20 Fees: The fee schedule adopted by the Council of the City of Titusville, as last amended, or as may hereafter be amended, is hereby incorporated in its entirety.

Permitted Uses (Table)

IOD Industrial Overlay District

Light Manufacturing
Wholesale activities including Warehousing Facilities
Truck and Rail Terminals
Supply Yards
Research and Testing Laboratories
Accessory Uses
Industrial Parks
Computer Centers; Data Processing Service Center
Electronic Components and/or Instruments Manufacture
Artisans and Craft Work Establishments
Industrial Planned Unit Development and Incubators
Essential Services

Conditional Uses

Heavy Manufacturing

Conditional Use Procedures for the Industrial Overlay District

1. Uses permitted by conditional use shall only be permitted when approved by the City Council after recommendations by the Planning Commission and in accordance with the criteria set forth in this Ordinance and as required by the Planning Code, after public hearing, pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
2. Application: Requests for a conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required by Section 206, who shall determine whether a variance, special exception or conditional use is necessary.
3. Conditions: City Council may approve conditional uses subject to reasonable and appropriate conditions.

4. **Expiration of Conditional Use:** The validity of a conditional use permit shall not exceed six (6) months from the date of authorization and shall expire if the applicant fails to obtain other appropriate permits, and commence work or use as planned and approved.

Conditional Use Standards

1. No uses will involve noxious gas, dust, odor or smoke clearly discernable to neighboring uses or harmful to the public health, safety and welfare of area citizens.
2. **Standards for Conditional Use:** A conditional use permit shall be granted where the following findings are made:
 - a. The use is permitted as a conditional use under the terms of the Ordinance.
 - b. The specific criteria, if any, for allowing a conditional use will be met.
 - c. The use conforms with the community and economic development objectives; would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located; would not be hazardous, disturbing or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
 - d. The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
 - e. The use will not involve activities, processes, materials, equipment and conditions of operation that will be materially detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbances, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
 - f. The use will not create emissions and/or discharges into the air or water, which do not meet government standards.

- g. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
 - h. The use will provide through maintenance of setbacks and if required screening by plantings, fencing or other landscape features and effective buffer to block unsightly views and noise from adjacent properties and public roadways.
3. If abutting non-industrial uses, the applicant shall present a plan for screening and buffering which will minimize any impact and filter most light and noise.

Special Exceptions

- Business Park
- Public Utility Service Center
- Government Service Center
- Manufacture of Optical and/or Medical Equipment
- Commercial Planned Unit Development
- Drive-In Stores/Shops
- Auto Sales and Repair
- Auto Repair Garages
- Clinics
- Activities involving Printing, Publishing or Bookbinding
- Other Industrial, Fabrication, or Assembly Operations or Ancillary Business in support of such operations, similar to and compatible with, the permitted uses hereinbefore set forth

Lot and Yard Requirements

	<u>IOD Current Structures</u>	<u>IOD Construction</u>
Minimum Lot Area (Square Feet)	N/A	N/A
Minimum Lot Area Per Family (Square Feet)	NA	N/A
Minimum Width of Lot (Feet)	N/A	N/A
Minimum Depth of Front Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)

	IOD Current Structures	IOD Construction
Minimum Width of Each Side Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)
Minimum Depth of Rear Yard (Feet)	0	20 feet from established boundary and structures existing as of (effective date of this section)

206.30 Height Regulations: No structure shall exceed forty-five (45) feet in height above ground level unless approved by the Zoning Hearing Board. The Board may authorize a special exception to the height regulations in the IOD if safety and esthetic concerns are met and the increased height meets and complies with all applicable regulations, ordinances and laws.

206.40 Parking: Off-street parking space shall be provided in accordance with the specifications for the Industrial District (Section 302) when any new use is established or existing use is enlarged in the IOD. Alternatives to traditional off-street parking shall be considered in lieu of specified allocations in the Industrial Overlay District. However, all designated off-site parking for the IOD shall not be located more than one thousand (1,000) feet from the district boundaries.

207 Permitted Uses with Conditions, Conditional Uses and Special Exceptions:

The criteria for Permitted Uses with Conditions, Conditional Uses and Special Exceptions are listed below, with the exception of the IOD District, which is covered by Section 206. In addition to these, the Zoning Hearing Board, in granting special exceptions, and City Council/Planning Commission in considering conditional uses, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. Any specific conditions or requirements for a particular use shall prevail over any less restrictive general conditions or requirements. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a special exception or conditional use, the Board or City Council (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Permitted uses that have conditions attached will be granted or denied by the Zoning Officer based upon the criteria set forth in this section as well as other appropriate sections of this Ordinance. However, the Zoning Officer has no authority to attach any conditions or safeguards.

207.09 Residential, Above the First Floor: This use is specifically designed to allow residential uses in the C-1 District on upper floors. In addition to meeting other applicable regulations set forth in this Ordinance, such uses shall:

- a. Provide for adequate means of ingress for each dwelling unit per City and State codes.
- b. All such units shall comply with all building, health and safety codes.
- c. Provide at least five hundred (500) square feet of usable floor space per dwelling unit.
- d. Provide one (1) parking space for each dwelling unit. Legal on-street parking spaces, along the lots frontage, can be used to satisfy parking requirements.

207.10 Public Utility Substations/Facilities: Such uses are permitted, subject to the following conditions, to allow public utilities to adequately service the City. They shall include structures and aboveground facilities, such as vent pipes.

- a. Shall be landscaped to present a minimum intrusion upon the neighborhood.
- b. May be enclosed by a security fence of no more than eight (8) feet, notwithstanding any other section of this Ordinance.
- c. No outdoor storage shall be permitted.

207.11 Home Occupations:

- a. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. *Note: Home Occupations and No Impact Home-Based Business are separate uses.* The following conditions for home occupations shall be observed:
1. The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one (1) employee per shift who does not reside in the home.
 2. The occupation shall be carried on wholly within the principal structure.
 3. There shall be no exterior display, no exterior sign other than permitted by this Ordinance, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal structure.
 4. No offensive odor and no vibration, smoke, dust, offensive heat or glare shall be produced.
 5. Any retail sales shall consist primarily of items made on the premises. No more than twenty-five percent (25%) of on-premises sales shall be from items not made on the premises.
 6. The occupation shall occupy no more than thirty percent (30%) of the principal structure.
- b. Home occupations may include, but are not limited to, art studios; dressmaking; professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices; home offices; insurance offices; barbershops and beauty parlors; or teaching. However, a home occupation shall not be interpreted to include auto or internal combustion motor repair/service, woodworking, small motor repair, kennels or restaurants.

207.12 Schools, Hospitals and Nursing Homes:

- a. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- b. Shall be located on a public street with a minimum paved cartway of twenty-eight (28) feet.
- c. The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.

- d. All parking and recreation/play areas that abut residential uses shall be screened. Parking areas can be on site or located within five hundred (500) feet of the hospital, school or nursing home.
- e. Any outdoor lighting shall be fully shielded to prevent glare to adjoining properties.
- f. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates or permits shall be a condition for approval.

207.13 Townhouse Developments:

- a. There shall be no townhouse building consisting of more than six (6) dwelling units.
- b. The developer shall vary architectural treatments between units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color.

Variety and flexibility in design, layout and arrangement of buildings, parking areas, services, recreational areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is required.

Adequate pedestrian facilities in the form of sidewalks or paved trails to allow safe and convenient access for residents between dwelling units, entrances and parking areas as well as other important destinations, such as mailboxes, recreation facilities or compatible neighboring uses such as retail centers, recreation areas or community facilities is required.

- c. The horizontal distance between townhouses shall be:
 - 1. Two (2) times the average height of the townhouses for front or rear walls facing front or rear walls.
 - 2. One-and-one-half (1½) times the average height for front or rear walls facing side walls.
 - 3. Equal to the height of the highest building for side walls facing side walls.
- d. The minimum width of any side yard shall be not less than twenty (20) feet.

- e. Access and service shall be provided in the front of each dwelling unit in the townhouse. Parking will be provided on the lot to the rear of the structure, as carports or garages, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.
- f. Adequate refuse storage facilities shall be provided.
- g. Such uses must present proof that all needed permits for sanitary sewage and drinking water have been secured and that these facilities are sized adequately for the proposed development.

207.14 Three- and Four-Family Dwellings: This use shall be for new construction only. For such uses in existing structures, see Conversion Dwellings. Such uses will be allowed only if all the following conditions are met:

- a. Lot sizes as required by Table 205 shall be met.
- b. These units shall demonstrate they meet all City code requirements for health and safety (i.e. be inspected and approved by the City Code Officer prior to occupancy).
- c. Side yards shall be at least five (5) feet on each side.

207.15 Bed and Breakfast Inns: Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- a. All signs shall conform to this Ordinance.
- b. No more than ten (10) guest rooms will be permitted.
- c. The only meal served shall be breakfast and that shall only be provided to guests.
- d. The facility shall comply with state law regarding such facilities.
- e. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements
- f. All other regulations of the City and state shall be met, especially the requirement for an annual inspection by the City Health Inspector.

207.16 Funeral Homes: Funeral homes shall meet the following criteria:

- a. At least twenty (20), paved, parking spaces shall be provided with an additional five (5) spaces for each additional viewing parlor after the first two (2).
- b. All such uses shall be on a paved street with a cartway of at least twenty-eight (28) feet.
- c. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements

207.17 Rooming/Boarding Homes:

- a. Must meet all City health and safety code requirements.
- b. May not house more than four (4) roomers/boarders.
- c. Shall not adversely affect the character of the surrounding neighborhood.

207.18 Personal Care Boarding Homes for Adults and Adult Day Care: The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

- a. Signs or exterior display indicating the name of the home or its use shall not exceed the size allowed by this Ordinance.
- b. At least one (1) additional on-lot parking space shall be provided for each two (2) guests for facilities offering overnight or long-term accommodations.
- c. No home shall have more than six (6) guests at any one time.
- d. The type of home, along with any required local, county and/or state certifications or licenses shall be presented to the Board.

207.19 Conversion Dwellings: The purpose of the conversion dwellings is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into duplex or multi-family units, the following criteria must be met:

- a. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- b. Each dwelling unit shall have a minimum floor area of seven hundred (700) square feet exclusive of common spaces.

- c. All required parking shall be accommodated on lot and no parking in the front yard area, between the street and the structure, shall be permitted. Off-site parking, within five hundred (500) feet, may be accepted if a long-term [five (5) year minimum] lease or similar agreement is furnished to the Board.
- d. All other City codes must be met.

207.20 Ambulance Services: These uses shall:

- a. Provide screening when adjacent to any "R" District.
- b. Any lighting shall be fully shielded and directed away from any "R" District.
- c. Street access shall be well marked and approved by the Titusville Police Department.
- d. Be located only on state-designated traffic routes.

207.21 Professional Offices, Banks, and Medical Clinics:

- a. Access shall be from a street with a pavement width of at least twenty-four (24) feet.
- b. In the RLB District, all on-lot parking, loading and unloading shall include sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to a residential use shall be screened.
- c. All lighting shall be fully shielded, so arranged to prevent glare to adjoining properties.
- d. In the RLB district, the total floor area of the principal structure and all accessory uses shall not exceed three thousand (3,000) square feet.

207.22 Communications Towers/Antennas: Communications antennas are a permitted use. Communications towers along with their ancillary equipment are a conditional use.

- a. Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted use subject to the conditions of Section b. below. Separate standalone towers constructed new shall be treated as conditional uses and referred to the Planning Commission and the City Council for review and approval under Section c.
- b. Regulations Governing Communications Antennas and Communications Equipment Buildings:

Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

c. Standards for Communications Towers as Conditional Uses:

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter ($\frac{1}{4}$) mile radius of the proposed communications tower site shall be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of such structures.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the zoning district.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

In all zoning districts, the maximum height of any communications tower shall be one hundred fifty (150) feet.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least one hundred (100) feet and shall in any other district be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

The applicant shall submit certification from a Pennsylvania-registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the City of Titusville Building Code.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

Communications towers shall be protected and maintained in accordance with the requirements of the City of Titusville Building Code.

If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

One (1) off-street parking space shall be provided within the fenced area.

207.23 Day Care Facilities, All Types: The purpose of this section is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also).

a. Family Day Care Homes:

1. Such operations must obtain any permits/certificates required by the state.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).

b. Group Day Care Homes:

1. Such operations must obtain any permits/certificates as required by the state.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).
3. Outdoor play areas shall be effectively screened from nearby residential uses through fencing.
4. At least one (1) additional parking place shall be required.
5. The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

c. Child Day Care Centers:

1. Any outdoor play area shall be effectively screened from abutting properties using fencing.
2. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how the pick up and delivery of children shall occur in a safe manner.
3. One (1) parking space for each employee shall be required.
4. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

207.24 Public Parking: Off-street parking will be allowed in the RLB District with the following restrictions:

- a. Lots will be paved.

- b. Surface water shall be disposed of in accordance with City ordinances and regulations.
- c. Side and rear lot lines shall have screening (see Definitions).
- d. Any yard that fronts on a public street shall have a landscaped area three (3) feet wide.

207.25 Convenience Stores:

- a. Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.
- b. No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].
- c. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least ten (10) feet high.
- d. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjacent on each side and twenty (20) feet from each side lot line.
- e. Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.

207.26 Hotels and Motels: Such uses shall:

- a. Present proof that all plans for the construction/development of the facilities have been approved by the Pennsylvania Department of Labor and Industry.
- b. Be constructed in accordance with applicable building codes.
- c. Have a lot of at least one-half (½) acre.
- d. All rear and side property lines shall have screening as defined by this Ordinance.

207.27 Methadone Treatment Facilities* shall follow the following regulations:

- a. They shall not be any closer than five hundred (500) feet from any school, public park or playground, residential housing, childcare facility, church or place of religious worship.

- b. Shall be licensed by the Pennsylvania Department of Health.

**See also Section 621 of the Planning Code.*

207.28 Assisted Living Facilities: These facilities shall:

- a. Provide off-street parking for employees equal to .8 spaces per person of the largest shift.
- b. Provide off-street resident/visitor parking at .5 spaces per resident.
- c. Provide reasonable access for deliveries and emergency vehicles to a paved street.
- d. Show evidence of state licensing.

207.29 Development in Steep Slope Areas: As developments in the S-1 District are apt to be on steep slopes, permits for any proposed construction shall show the percentage of slope. Any slopes identified as steep slope by this Ordinance shall comply with Section 308 of this Ordinance.

207.30 Gas Transmission Lines

- a. The line operator shall file copies of all needed permits with the Zoning Officer.
- b. The line operator shall file a construction plan as well as copies of any “as-built” drawings with the Titusville Fire Department.
- c. The name and telephone number of a twenty-four (24) hour emergency contact of the line operator shall be filed with the Titusville Fire Department.
- d. The line operator shall provide the City with twenty-four (24) hour written notice prior to the initiation of any construction activities and prior to the initiation of the use of the line.

207.31 Gas and Oil Wells: The following criteria are required and needed documentation will be presented to the Zoning Officer or the Titusville Fire Department, as appropriate:

- a. The well operator shall present to the Zoning Officer a copy of an approved gas well permit from the Pennsylvania Department of Environmental Protection. Said permit must be available at the public hearing.

- b. The well operator shall present a map clearly showing the location of the proposed well.
- c. The well operator shall inform the City, by letter, at least twenty-four (24) hours before the initiation of drilling activities.
- d. The well operator shall annually file with the City a report on the status of the well, active or inactive.
- e. If the well is plugged, a copy of the needed permit or authorization from the Pennsylvania Department of Environmental Protection shall be delivered to the Zoning Officer.
- f. The name of a twenty-four (24) hour emergency contact for the well operator shall be filed with the Titusville Fire Department.

207.32 Cemeteries: Cemeteries are subject to the following standards and criteria:

- a. A minimum site of five (5) acres shall be required.
- b. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
- c. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be to paved roads of at least twenty-four (24) feet in width.
- d. All property lines adjoining residential uses shall have screening as defined by this Ordinance.

207.33 Service Garages, Gasoline Service Stations: These uses are subject to the following express standards and criteria:

- a. Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- b. Gasoline pumps shall be located no closer than thirty (30) feet to any property line.
- c. No building, stand, oil rack or other apparatus, other than that which is necessary for quick service to an automobile, shall be located within thirty (30) feet of any street line.

- d. Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or street right-of-way line.
- e. There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.
- f. In addition to parking spaces required by Section 302.2 of this Ordinance, adequate vehicle maneuvering areas shall be provided outside the building, which shall have an all-weather surface.
- g. All property lines adjoining residential uses or zoning classifications shall have screening by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth measured from the property line.

207.34 Scrap Yards: Scrap yards shall comply with the following requirements:

- a. All lots shall be at least two (2) acres in size and located at least three hundred (300) feet from any "R" or RLB District.
- b. There shall be no storage of scrap, machinery or equipment of any kind in areas visible from the surrounding properties or a public road.
- c. All yard spaces shall be at least fifty (50) feet wide.
- d. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted.
- e. The facility shall provide a fence around the premises at least eight (8) feet in height, constructed to block the line of sight and be set at least ten (10) feet back from any yard line.

207.35 Heavy Manufacturing: Heavy manufacturing shall meet the following performance standards:

- a. All needed permits from federal or state environmental agencies shall be identified and presented.
- b. Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table:

<u>Octave Frequency (Cycles per Second)</u>	<u>Decibel Limits Along Residential District Boundaries</u>	<u>Decibel Limits Along Businesses or Commercial District Boundaries</u>
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

- c. **Vibration:** No vibration shall be generated which can be detected by a normal person at the district boundary.
- d. **Glare:** Lighting, or such activities as welding, shall be shielded from any residential use or district.

207.36 Adult Oriented Businesses: Shall present proof of current and valid licensing by the City of Titusville.

207.37 Colleges/Universities: College/university uses are a welcome addition to Titusville. Such uses shall:

- a. Provide parking for students as follows:
 - For commuter students, 1 planned space for every 1.2 student
 - For students living on campus, 1 space per student
- b. Faculty and staff parking, one space per employee

- c. Parking can be on lot or provided up to five hundred (500) feet from college/ university buildings
- d. Parking lots that border residential uses shall have screening, as defined in this Ordinance.
- e. Provide pedestrian facilities, open space and greenways.

207.38 Shopping Centers: This regulation will apply to retail shopping developments with twenty thousand (20,000) square feet, or more, of gross floor area, or to any additions to existing shopping centers of that size.

- a. A site plan prepared by a registered architect or engineer shall be submitted for all such uses. This site plan shall contain:
 - 1. The intended development with dimensions, building footprints and proposed use(s)
 - 2. Utilities and drainage plan
 - 3. The outdoor lighting plan (see item d. below)
 - 4. The parking lot plan (see Section 302.2) of these regulations and item b. below
- b. All property lines which abut residential districts or pre-existing residential uses shall maintain both of the following buffer yard types:
 - 1. A twenty (20) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.
 - 2. A screening yard of spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.

- c. **Planting Standards:** At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The Zoning Officer may inspect plantings as necessary. Trees that have died shall be replaced as needed.
- d. **Lighting:** Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use. Full-shielded light fixtures will be used.
- e. All retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and eating and drinking places shall submit a plan for traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, if appropriate. As a part of the approval process, the developer shall agree to permit the interconnection of future abutting parking lots to the property and make such necessary improvements.

207.39 Gallery Overlay District: In an effort to encourage and provide for flexibility in the use of the City's wealth of older, architecturally significant homes located in its medium-density residential district (R-2), a Gallery Overlay District has been created to allow for the development of art studios, music studios and other historical, cultural and/or arts-related uses in the area. The uses shall meet the following criteria:

- a. Any home that is used for a gallery use shall be occupied as a legal residence by either the owner and/or his tenant(s).
- b. Gallery uses shall include art studios, and businesses featuring handcrafted, cultural, or art-related items, as well as other related uses, as specified above.
- c. The gallery use shall only be located on the first floor of the residence.
- d. A minimum of one (1) off-street parking space shall be provided for customers of the gallery business.
- e. There shall be no more than one (1) outside employee per shift allowed to work on the premises, other than a family member living in the gallery residence.
- f. No exterior modifications shall be made to the gallery residence that will change the historic and residential nature of the home.

- g. One (1) sign no larger than six (6) square feet may be installed on the property designating the gallery use, which shall adhere to the standards listed in Section 303.4 of this Ordinance, a rendering of which shall accompany the application for the special exception under this section.
- h. Any retail sales shall consist of items made primarily by the resident.
- i. The gallery use shall not cause undue intrusion on the neighborhood, including traffic, noise, or other disturbances.
- j. Gallery public business hours shall not operate before 8:00 a.m. or after 9:00 p.m.
- k. Legal on-street parking spaces, along the lot's frontage, can be used to satisfy parking requirements

207.40 Two-Family Dwellings: In the R-1 District, such uses shall:

- a. Comply with Table 205 relative to lot sizes.
- b. Side yards shall be increased to ten (10) feet for each side.

207.41 Places of Assembly: Such uses complement other activities in commercial and industrial districts and as such uses involve the gathering of groups of people within a building or structure, certain reasonable conditions and criteria are in the best interest of the public:

- a. Evidence of compliance with the City's Building Code shall be provided to the Zoning Officer prior to occupancy.
- b. Fire and safety provisions shall be adequate to meet state and local requirements.
- c. Evidence of all permits required by the Commonwealth of Pennsylvania, Department of Labor & Industry shall be provided to the Zoning Officer prior to occupancy.
- d. A plan demonstrating two points of egress shall be provided to the Zoning Officer. This plan shall be submitted by the Zoning Officer to the Titusville Fire Department for its review, approval, comment or modification.
- e. Points of ingress and egress to the building or facility shall be well lighted for safe ingress and egress of invitees.

- f. New exterior light fixtures shall be full cutoff.
- g. Exterior signage shall comply with Section 303.2.
- h. Place of assembly may contain accessory uses, such as the sale of merchandise, or the provision of child care services; provided, however, that the accessory use must be accessory within the meaning of Article VII, such that the portion(s) of the building or buildings dedicated to the accessory use or uses must be collectively less than 50% of the gross floor area of the primary use and the accessory use or uses must generate less than 20% of the gross receipts of the primary use. Any accessory use that exceeds these requirements is deemed to constitute a separate primary use and shall comply with all ordinance requirements related to the use.
- i. Except in the C-1 Commercial Zoning District, parking shall be in accordance with Section 302.2. Places of assembly that have regular or occasional events that cause an influx of traffic during peak traffic times during the work week (7 a.m. to 9 a.m. and 3:30 p.m. to 5:30 p.m. – prevailing time) in the C-1 Commercial Zoning District shall be required to provide traffic controls or pedestrian controls as may be necessary to minimize traffic congestion during peak a.m. and p.m. hours and unsafe traffic and pedestrian conditions.

Article 3 - General Regulations

301 Nonconforming Uses and Nonconforming Structures: The following provisions shall apply to all nonconforming uses and nonconforming structures, including signs:

301.10 Nonconforming Uses of Land: The lawful use of land existing at the time of the enactment of this Ordinance, or of an amendment thereto, not involving any principal and/or accessory structure, although such use does not conform to the provisions of this Ordinance, may be continued, provided that no such nonconforming use of land shall, in any way, be expanded, extended, or moved in whole or in part to any other portion of the lot of record, except in conformance with Section 301.31. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

301.20 Nonconforming Uses of Structures: The lawful use of a structure existing at the time of the enactment of this Ordinance, or of an amendment thereto, although such use does not conform to the provisions of this Ordinance, may be continued and such use may be extended throughout the building provided that such extension of use does not displace a use conforming to the district designated by this Ordinance. In any district, a legal, nonconforming use may be changed to a use of the same or a more restrictive zoning district. Any request for the expansion of a non-conforming use shall follow Section 301.31.

301.21 Whenever a nonconforming use of land or of a structure, or a portion thereof, has been abandoned for a period of one (1) year, it shall not again be used except in conformity with the regulations of the district in which such structure is located.

301.30 Nonconforming Structures: A structure (including a sign) existing at the time of the enactment of this Ordinance or of an amendment thereto, although such structure does not conform to the lot and yard requirements of this Ordinance, may be continued in use, provided no major structural alterations are made to the nonconforming portion of the structure other than those ordered by an authorized public officer to assure the safety of the structure. This provision is not intended to prevent maintenance or repair to a structure as long as it does not expand its existing configuration. If such nonconforming structure should be destroyed by any means, a permit for its reconstruction shall be issued provided application for permit for such reconstruction is made within one (1) year from date of such destruction.

301.31 Expansion of Nonconforming Uses or Structures: A nonconforming use or structure may be moved, enlarged or increased only on land on the same lot as qualified as nonconforming on the effective date of this Ordinance or amendment thereto. In allowing the expansion of a nonconforming use, the restrictions that use is subject to

by this Ordinance, such as buffering, landscaping, or parking, shall be applied. In addition, the setback and height regulations of the district wherein the use is located shall be observed.

- a. For a change of use, the use is to be of the same or of a more restrictive zoning district.
- b. The use will be less potentially injurious to the health, safety and welfare of a residential neighborhood based, at a minimum, on the following criteria:
 - 1. The amount of traffic, truck and automobile, which the proposed use can be expected to generate based upon objective information relative to similar uses.
 - 2. Late-night (after 11:00 p.m.) or early (prior to 7:00 a.m.) and all-night operations shall be regarded as injurious.
 - 3. The intensity of use as measured by the number of employees, potential noise and possible equipment vibration.

301.32 Certificate of Nonconformance: The owner of a nonconforming use or structure may request a certificate of nonconformity from the Zoning Officer. If the Zoning Officer is unable to determine the validity of the nonconformity request, then the request will be deemed to be denied and the request will be referred to the Zoning Hearing Board.

302 Off-Street Loading and Parking: Off-street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

302.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size:

Off-Street Loading Space Requirements

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	20,000	50,000

<u>Use</u>	<u>First Space</u>	<u>Second Space</u>
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

302.1(a) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining a residential use or zoning classification. All loading spaces located along a property line adjoining a residential use or zoning classification shall have screening.

302.2 Off-Street Parking: For all uses, each parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street (see 302.3).

Off-street parking spaces shall be provided for any new use hereafter established or for the enlargement of any existing use as follows, except in the C-1 Commercial District, where non-residential uses are not required to provide parking or loading facilities:

<u>Use</u>	<u>Parking Spaces Required</u>
Home Occupation	1 per employee
Dwellings	1 per dwelling unit
Dormitories	1 per bed
Elderly Housing	.5 per dwelling unit
Churches and Places of Assembly	1 per 4 seats in principal assembly room
Schools	.25 for each planned student over the age 16, plus 1 for each employee
Hospitals, Nursing Homes	1 per 2 beds*
Eating and Drinking Places, Commercial Recreation	1 per 100 square feet of floor area
Banks, Retail Businesses	1 per 250 square feet of floor area
Personal Services	1 per 200 square feet of floor area
Day Care Facilities	1 per 200 square feet of floor area
Bowling Alleys	5 per bowling lane
Funeral Homes	20 per the first viewing parlor, 5 for each additional parlor
Professional Services, Business Services, Offices	1 per 500 square feet of floor area
Medical Clinics/Doctor's, Dentist's Offices	5 per doctor*
Wholesale Businesses	1 per 500 square feet of floor area
Convenience Stores	1.5 per pump
Hotels and Motels	1 per rentable unit*
Boarding/Rooming Homes	1 per rentable unit, plus 1 per dwelling unit
Manufacturing, Other Uses	1 for each employee on the principal shift, plus ½ of a space for each 1,000 square feet of floor area
Auto Sales and Service	1 per 250 square feet of floor area
Service Stations	1 per 250 square feet of floor area

*These uses will also provide parking for staff, based upon 1 space for each 1.25 employees of the maximum working shift.

Where the use of the premises is not specifically mentioned, or specific parking needs listed elsewhere in this ordinance, the requirement for similar uses shall apply. If no similar uses are mentioned, the parking requirement shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure.

For lots with multiple uses, the required parking shall equal the total for each use.

Change of Use: If a use is legally changed to another use, the new use will not be required to provide additional parking, if the existing structure is used. For new construction, appropriate parking requirements will be used.

302.3 Parking: Additional requirements:

- a. Parking and driving areas shall be graded to shed surface water to a street, alley or public stormwater system.
- b. Any parking area of three (3) or more spaces adjoining a residential use shall have screening (see definition) from the residential area.
- c. Any parking area containing lighting shall use full-shielded lighting designed in such a way as to not cause glare on adjoining properties.
- d. Any parking area of over fifty (50) spaces shall contain a perimeter screen and site landscaping of at least five percent (5%) of the total lot.
- e. Parking areas adjacent to a street shall have between the street right-of-way and the parking area a planting strip five (5) feet in width and with a tree planted every fifty (50) feet of lineal frontage. Breaks may be permitted for entrances and exits with no greater combined breaks with a width greater than twenty (20) feet per each fifty (50) lineal feet.

302.4 Location of Parking: Where there is inadequate land on site to meet the off-street parking requirements, off-street spaces within five hundred (500) feet of the site may be used, with adequate documentation of long-term commitment, to meet the parking requirements.

302.5 Stacking Requirements for Drive-In, Drive-Through Facilities: This section provides vehicle standards for drive-in, drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal headspace. Minimum stacking lane width is nine (9) feet.

<u>Use</u>	<u>Stacking Capacity Per Drive-In Window</u>
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay

*If there are separate order and pickup windows, four (4) for each shall be accepted.

For other uses, guidelines for the Institute of Transportation Engineers may be used or the written recommendations of a professional engineer.

Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

302.6 Parking Areas and Curb Cuts:

- a. In commercial and industrial areas, public access to a lot shall be located at specific, limited areas. For a single lane of traffic to exit or enter a parking area, a single lane of twelve (12) feet wide (measured at the property line) shall be permitted. For combined entrance/exit driveways up to twenty-two (22) feet wide (measured at the property line) shall be permitted. The line of sight for autos exiting parking areas shall adhere to the sight triangle requirements of the City's Subdivision and Land Development Ordinance, or at least two hundred twenty-five (225) feet. For passenger cars, driveway radius shall be ten (10) feet. For parking areas for combination trucks, the radius shall be at least thirty-five (35) feet. Driveways using medians designed for fifty (50) autos or more shall follow PennDOT design standards (Title 67, Chapter 441). There shall be at least fifty (50) feet between driveways and at least thirty (30) feet from a driveway to any corner radius.
- b. In all R zones, driveways shall be not less than ten (10) feet wide nor more than twelve (12) feet wide. Driveways shall connect to garages or back-yard areas. Parking shall be allowed in driveways but in no other area of the front yard. Curb cuts in residential areas shall be limited to one (1) per street frontage or for each fifty (50) feet of lot frontage, but in no event more than twenty-five percent (25%) of any lot frontage.

303 Signs: All signs, billboards, outdoor advertising, or exterior graphic displays, including portable signs, shall conform to the following standards. Unless otherwise noted, all signs shall require a permit issued by the zoning officer.

The following sign regulations shall be observed in all districts:

- a. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
 1. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign

shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event. Signs shall be allowed for no longer than a 90 day period.

2. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work. Signs will be allowed for no longer than a six (6) month period. Once construction is complete, the sign shall be removed.
 3. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
 4. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed six (6) square feet.
- b. No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
 - c. Directional and information signs, not exceeding four (4) square feet in area, per use, premises or establishment, and used for the direction and protection of the public, shall be permitted in all non-residential districts.
 - d. The height of freestanding signs from curb level to the top of the sign shall not exceed fifteen (15) feet in all areas except commercial districts where they may extend to twenty-five (25) feet in height.
 - e. In residential districts, permitted signs will be allowed in the front yard, but must be at least ten (10) feet behind the front property line. In commercial districts, signs may be permitted up to the front yard line except where such signs would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.
 - f. Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights.

- g. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- h. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- i. **Political Signs:** Such signs shall be permitted in all districts.

303.1 In residential districts, the following signs shall be permitted:

- a. Home occupations and no impact home-based businesses are allowed a wall, freestanding or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed six (6) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.
- b. Sign, bulletin board, announcement board or identification sign for schools, colleges, universities, churches, hospitals, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided that the area of any such sign shall not exceed twenty (20) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

Signs directing patrons, members or audiences to temporary exhibits, shows or events, provided that such sign shall not exceed six (6) square feet; shall be removed within one (1) week after the date of the exhibit, show or event; and shall not be posted earlier than one (1) day before the date of the exhibit, show or event.

- c. For multiple dwelling complexes, one (1) sign, not to exceed six (6) square feet per building, shall be permitted identifying the name, address and telephone number of the owner or manager. In addition, one (1) sign that exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed twenty (20) square feet, shall be permitted. Any such signs shall be no closer than ten (10) feet for the front lot line (see also Development Signs, 303.a.2).

303.2 In commercial districts, the following signs shall be permitted:

- a. Signs directing patrons, members or audiences to temporary exhibits, shows or events, provided that such sign shall not exceed six (6) square feet; shall be removed within one (1) week after the date of the exhibit, show or event; and

shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event.

- b. **Wall Signs:** Wall signs, provided that the total of such signs shall be limited to one-and-one-half (1½) square feet for each lineal foot of horizontal building facade length. These signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building and may be permitted to extend over the public right-of-way with at least ten (10) feet of clearance.
- c. Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed ninety (90) consecutive days. (See 303 a.1.)
- d. **Pole Signs:** May be illuminated or non-illuminated. The area per sign face shall not exceed fifty (50) square feet in surface area per face. No more than two (2) sign faces shall be permitted. There shall be at least twelve (12) feet of clearance between ground level and the bottom of the sign face.
- e. **Ground Signs:** Shall not exceed twenty (20) square feet in size and may be illuminated or non-illuminated.
- f. **Shopping Centers (Multi-Tenant Identification Signs):** One (1) directory-type sign shall be permitted for a shopping center which identifies the name of the shopping center and the tenants of the facility. Such a sign shall not exceed sixty (60) square feet in overall size per sign face. In addition, up to twelve (12) square feet for each tenant name may be used on the directory sign. Tenants will be allowed signs on, or in the shopping center in accordance with Section 303.2.b. above, Wall Signs.
- g. **Multi-Tenant Building:** Where more than one (1) tenant exists in a building, each tenant shall be allowed a sign. Such a sign shall not exceed twenty-four (24) square feet in overall size per sign face.
- h. **Projecting Signs:** In the commercial area, overhead signs shall be permitted. Signs attached to a wall which project in such a manner that the faces of the sign form an angle of approximately ninety degrees (90°) with the wall shall be permitted in commercial districts, subject to the following regulations:
 - 1. Such signs shall not project more than six (6) feet from the wall.
 - 2. Only one (1) such sign shall be permitted per business.

3. Such sign shall be non-glaring and non-moving, but may be lighted.
 4. There shall be a minimum height from the curb level to the bottom of the sign of twelve (12) feet.
 5. The sign shall have a maximum area of sixteen (16) square feet on each face.
- i. **Sidewalk Signs:** Properties located within the C-1 and C-2 Districts may display sidewalk signs under the following provisions:
1. One (1) sidewalk sign is permitted for each business.
 2. Sidewalk signs may be displayed only during the business's hours of operation.
 3. The maximum size of each display face of a sidewalk sign is seven (7) square feet.
 4. There must be at least four (4) feet of clear sidewalk for pedestrians.
 5. Signs may be up to forty-two (42) inches high and two (2) feet wide.
- j. **Electronic Signs:** This section regulates the use of electronic signs within the City to minimize the impact of such signs that may distract drivers and be detrimental to the neighboring properties, and to limit the aesthetic impact that a proliferation of electronic signs could have on City properties. They may be used according to the following provisions:
1. Each message displayed on an electronic sign must be static or depicted for a minimum of eight (8) seconds and the screen must completely fade out before a new message is displayed.
 2. There shall be no more than one (1) second between messages.
 3. Each complete message must fit onto one (1) screen (i.e., no scrolling or incomplete messages permitted).
 4. The sign shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic..

303.3 In the Industrial District, advertising signs and business signs are permitted provided that such signs shall not exceed an aggregate area of three hundred (300) square

feet. Such signs shall be set back from the front lot line at least thirty (30) feet. Advertising signs (Billboards) will be allowed in the Industrial District, subject to the size limit of three hundred (300) square feet and the setback requirement of thirty (30) feet from the front lot line and yard setbacks shall be observed.

303.4 Gallery District: It is important to recognize the value of well-designed signs that will identify those goods and services permitted for gallery uses, as well as complement the visual character and harmony of the historic structures. All signs must be directly related to businesses, services, or products offered within the premises. Signs unrelated to the property on which they are to be located, with the exception of temporary signs, public information, emergency notices, and other signs specifically identified in this zoning ordinance, will not be approved.

The following criteria, regulations, and standards shall apply to all signage installed in support of permitted gallery businesses:

a. Sign Materials:

<u>Generally Acceptable</u>	<u>Generally Not Acceptable</u>
Painted Wooded Signs	Plastic or back-lighted signs
Hand-carved wood	Plastic letters
Carved or sandblasted stone	Foam letters
Sandblasted wood	Posters, cardboard
Wrought iron	
Gold leaf and screen print (windows)	
Metals such as polished brass/bronze	

b. Mounting and Placement:

1. Signs shall be mounted or erected so they do not obscure the features or openings of a building.
2. Off-premises signs are prohibited.
3. No signs or portion of a sign shall extend above the cornice line at the top of the building. Rooftop signs are prohibited.

c. Design:

1. The overall design of all signage, including the mounting framework, shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek revival, Italianate, Victorian, Queen Anne, Neo-classic, Craftsman, etc., should use signage of the same style.
 2. For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.
- d. Size:
1. The size of the sign shall be in proportion to the structure and the neighboring structures and signs.
 2. The total maximum allowable sign area shall be nine (9) square feet.
- e. Lighting:
1. Internally lit signs are prohibited.
 2. Lighted signs shall use focused, low-intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Landscaping shall screen light fixtures mounted on the ground.

303.5 Signs in the RLB District: This district is designed for residential use with low-impact commercial activities. Generally, lot signs are limited in this district. Consequently, signs are limited.

- a. All signs permitted in any "R" District are permitted.
- b. All signs shall be behind the front property line.
- c. Regardless of placement, no sign shall visually impede the sight distance of drivers along any street.
- d. Signs may be freestanding, projecting or attached flat to a structure.
- e. For a single-face sign, a sign area of sixteen (16) square feet is permitted. For a two-face sign, up to eight (8) square feet of sign area per side is allowed.
- f. No sign shall exceed fifteen (15) feet in height.

304 Fencing: All fences require a permit. Any fence, hedge or enclosure in an R District within required front yard space shall not exceed a height of three and a half (3ft. 6 in.) feet. The required front yard space shall be considered as that space between the front of the structure and the front lot line or the minimum front yard set back for the zoning district, whatever is less. If located within five (5) feet of a driveway where the driveway intersects a front property line, or if located within fifteen (15) feet from a point where two (2) front property lines intersect, it shall not exceed a height of three (3) feet above the top of the curb. If a fence has a finished or faced side, that side shall be to the exterior of the lot. Fences in rear and side yards shall not exceed six (6) feet in height. In the S-1 Zone, fences of twelve (12) feet in height will be allowed if required for recreational activities. In the I-Industrial and IOD Districts, fences may be twelve (12) feet in height.

305 Swimming Pools: Swimming pools for home use shall be located in rear yards. Pools shall be surrounded by a fence or barrier four (4) feet in height and gates are to be self-closing and self-latching. Barriers, fencing and related items shall conform to the "Safety Barrier Guidelines for Home Pools," as published by the U.S. Consumer Product Safety Commission.

306 Junk: The visible storage or placement of junk is not permitted in any residential district.

307 Satellite Discs and Dishes: Satellite discs and dishes are permitted in all districts in the rear or side yard of lots. Satellite discs and dishes that are two (2) feet in diameter or less are permitted on the roof or rear or side walls of a building.

308 Steep Slopes:

- a. **Determination:** Development plans shall show the location of existing steep [twenty-five percent (25%) or greater] slope areas. These areas may be delineated from twenty (20) foot contours taken from U.S. Geological Survey topographic maps. If this source is considered inaccurate or inappropriate by the City, or a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect or geologist may be required.
- b. **Protection Requirements:**
 1. **Erosion and Sedimentation Control Plan:** An erosion and sedimentation control plan shall be required prior to disturbance of a steep or severe slope area in excess of two thousand (2,000) square feet.
 2. **Soil Stability Analysis:** A soil stability analysis shall be performed by a professional soil scientist prior to the disturbance of steep slope areas in excess of two thousand (2,000) square feet which have highly erodible

and/or unstable soils, and for disturbance of all slope areas in excess of two thousand (2,000) square feet. This analysis shall evaluate the potential impact of the proposed development upon the stability and integrity of the slope, and include mitigation techniques. Severe slopes shall not be developed unless an architecturally sound supporting structure is provided for all development.

309 Temporary Structures/Portable Storage Units:

- a. Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is complete. Permits for temporary structures shall be issued for a one (1) year period. Temporary structures are subject to setback requirements.
- b. Portable Storage Units are intended for the temporary storage of household goods during moving or remodeling. Units must be placed off the public right-of-way and set back at least fifteen (15) feet. The use of trailers, either former mobile homes or semi-rigs, for storage is not permitted in any district in the City, except C-1, C-2 and I. The City shall issue permits for such units on a thirty (30) day basis with up to one (1) thirty (30) day renewal. After that time, the unit will be regarded as a structure. They shall be placed on a permanent foundation, shall meet all yard requirements of this ordinance and be inspected for conformance with the uniform Construction code. If not in conformity with that code, they shall be brought into compliance or such structures will be considered in violation of this Ordinance.

310 Dumpsters: Permanent placement of dumpsters shall be allowed in the C-1, I, R-3, RLB and IOD Districts only. They shall be enclosed by an opaque fence and an opaque gate sufficient in height to effectively screen the dumpster. Enclosures shall be compatible with the principal structure and shall maintain 100% opacity on all three sides with a gate on the fourth side. Trash collection areas shall be located on rigid pavement surfaces and designed to prevent accumulation of stormwater runoff. The temporary use of dumpsters for demolition or construction purposes will be allowed in any district for up to one (1) month but a permit must be obtained from the Zoning Officer.

311 Helipads: Helipads are subject to the following express standards and criteria:

- a. Helipads shall be permitted only when an accessory use to hospitals or industrial parks.

- b. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation shall be submitted.
- c. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate same.
- d. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- e. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

312 Outdoor Furnaces: Although outdoor furnaces may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impact of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This regulation is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the City of Titusville.

- a. Permitted Fuel: Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.
- b. Permitted Zones: Outdoor furnaces shall be permitted only in the R-1 District.
- c. Minimum Lot Size: Outdoor furnaces shall be permitted only on lots of one (1) acre or more.
- d. Setbacks: Outdoor furnaces shall be set back not less than two hundred (200) feet from the nearest lot line.
- e. Months of Operation: Outdoor furnaces shall be operated only between September 1st and May 31st.
- f. Spark Arrestors: All outdoor furnaces shall be equipped with properly functioning spark arrestors.

313 Residential Wind Turbines: These are devices used to convert wind energy for individual residential usage. Such devices are allowed in all districts. They must be behind the principal structure and observe all yard setbacks..

Article 4 - Administration and Enforcement

401 Zoning Officer: The Zoning Officer, who shall be appointed by the City Manager, shall:

401.10 Administer and enforce the provisions of all Ordinances.

401.11 Issue zoning certificates.

401.12 Maintain a permanent file on all zoning certificates and applications as public records.

401.13 Take in and review applications and issue such other permits, do inspections and have such other duties as assigned.

401.14 Receive all applications for appeals, special exceptions and conditional uses and refer same to the proper bodies.

In addition, the Zoning Officer shall review all applications for completeness and reject, in writing with cause given, any incomplete or incorrect application.

402 Zoning Certificates:

402.10 A zoning certificate shall be obtained before any person may:

402.11 Occupy or use any vacant land;

402.12 Occupy or use any structure hereafter constructed, reconstructed, moved or enlarged;

402.13 Change the use of a structure or land to a different use; or

402.14 Change a nonconforming use.

402.20 Applications for a zoning certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions and use of any structures involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee as periodically established by the City.

402.30 All permits and certificates which are granted by the Zoning Officer, or those granted as special exceptions, on appeal to the Board or as a conditional use shall be exercised promptly. If the use and/or the work so authorized is not initiated within six (6)

months from the date of the permit or certificate, then such certificate or permit shall be null and void.

403 Violations and Penalties:

Enforcement Notice: When it appears to the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- a. The name of the owner of record and any other person against whom the City intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the City Council of the City of Titusville. No such action may be maintained until such notice has been given.

Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable

therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

404 Method of Appeal: Any person or City official aggrieved or affected by any decision of the Zoning Officer may appeal to the Board within thirty (30) days, as provided by the Pennsylvania Municipalities Planning Code and by the rules of the Board, by filing a notice of appeal specifying the ground thereof.

405 Amendments:

General: The City Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the City Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.

Petitions: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by City Council resolution.

Referral: Any proposed amendment presented to the City Council without written findings and recommendations from the City of Titusville Planning Commission and the Crawford County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the City Council. The City Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the City of Titusville and Crawford County Planning Commissions.

Action: Before acting upon a proposed amendment, the City Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may

be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing. See also Planning Code Section 602(2)(i) for other required notifications.

Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The City Council shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the City of Titusville Planning Commission and the Crawford County Planning Commission at least thirty (30) days before the hearing is conducted by the City Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of the City Council shall be in accordance with Section 609.1 of the Planning Code.

The City may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Article 5 - The Zoning Hearing Board and Conditional Uses

501 Creation: There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five (5) residents of the City appointed by the City Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

502 Appointment: The terms of office of the Board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the City Council of any vacancies that occur. Appointments to fill vacancies shall be only for the un-expired portion of the term. Members of the Board shall hold no other office in the City, nor be a member of the Planning Commission. Council shall also appoint one alternate member of the Board for a term of three (3) years. The alternate member shall serve upon the absence or disqualification of a regular Board member in accordance with Sections 903 and 906 of the Pennsylvania Municipalities Planning Code.

503 Removal of Members: Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the City Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

504 Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but when any member is disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with City ordinances and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the City Council annually.

505 Expenditures for Services: Within the limits of funds appropriated by the City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

506 Legal Counsel: Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.

507 Hearings: The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements:

- a. Notice of hearings shall be given to the public, by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- b. The City Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- c. The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent of the record by the applicant and City, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- d. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- e. The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The

Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- f. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- g. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- h. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- i. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- j. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- k. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where an application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and

there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under Section 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

- i. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

508 Board's Functions:

- a. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- d. Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- e. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 508(i) of this Ordinance.
- f. Applications for special exceptions under this Ordinance or the flood plain ordinance. See also 508(j).
- g. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- h. Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Articles V or VII applications of the Planning Code.
- i. **Variances:** The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 3. That such unnecessary hardship has not been created by the applicant;

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

- j. **Special Exceptions:** The Board shall hear and decide requests for such special exceptions in accordance with the standards and criteria of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and this Zoning Ordinance.

When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.

509 Parties Appellant Before Board: Appeals under Section 508 and proceedings to challenge the Ordinance under Section 508 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance under Section 508 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

510 Time Limitations; Persons Aggrieved: No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest (see also Section 914.1 of the Planning Code).

511 Stay of Proceedings: Upon filing of any proceeding referred to in Section 913.3 of the Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate

agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body (see also Section 915.1 of the Planning Code).

512 Conditional Uses: Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the City Council. The Planning Commission is to advise the City Council relative to conditional uses. In general, the Council is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Planning Commission in rendering its decision. The Council may attach reasonable conditions to its decision. Specific procedures for Council action follow:

- a. Where the Council, in this zoning ordinance, has stated conditional uses to be granted or denied by the Council pursuant to express standards and criteria, the Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Council or the Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Council. However, the appellant or the applicant, as the case may be, in addition to the City, may, prior to the decision of the hearing officer, waive decision or findings by the Council and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and this Zoning Ordinance.
- b.
 1. The Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
 2. Where the Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for

a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Council to meet or render a decision as herein above provided, the Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Planning Code. If the Council shall fail to provide such notice, the applicant may do so.

3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

Article 6 - Historic Overlay District*

601 Statement of Intent: The intent of this Article is to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in the City of Titusville, as provided by Article VI of the Planning Code.

602 Overview of Provisions: This Article provides for an Historic Overlay District (or Districts), for the City of Titusville, to protect historic resources. Identified historic resources include, but are not necessarily limited to, historic structures, buildings, objects, or sites. This district(s) is (are) shown on the City of Titusville Zoning Map as the Historic Overlay (HO) District. Owners of structures in the Historic Overlay District must comply with the provisions of this Article, as well as the provisions of the underlying zoning district.

603 Zoning Overlay Concept: The “Zoning Map, City of Titusville, Pennsylvania” may be amended to show one or more Historic Overlay Districts. An overlay zone may encompass one or more underlying zoning districts and imposes additional requirements above that required by the underlying zone. The HO District is designed for the purposes of historic preservation.

- a. **Historic Resources Map:** The Historic Resources Map shall be kept on file at the office of the Zoning Officer. This map will be based upon comprehensive surveys and inventories of historic/cultural resources. The map may contain all, or portions, of the City. No request for an Historic Overlay District shall be granted until the necessary historic survey and inventory have been completed for the area in question. If the area under consideration does not appear on the Historic Resources Map, it shall be the obligation of the proposer(s) to present the necessary documentation, including an Historic Resources Inventory. The Zoning Officer shall consult with the Design Review Committee (see Section 609) and other appropriate organizations to verify that the information presented is accurate, authentic and appropriate for the requested designation.
- b. **Notice:** Written notice will be given to all owners of properties classified as Identified Historic Resources, when their property is to be included in the HO District (see also Article 4).
- c. **Revisions:** The Historic Resources Map may be revised or amended from time to time by the City, in accordance with this Article.

604 Identified Historic Resources: Determination of the City’s Identified Historic Resources shall be made by the City of Titusville in accordance with:

Historic Resources Inventory: The City shall maintain an inventory of Identified Historic Resources shown on the Historic Resources Map, and shall update such

inventory at such time(s) as the City revises the Historic Resources Map in accordance with this Article.

Compliance: Any change to or alteration of an historic resource in the HO District or any new construction shall occur only in full compliance with the terms of this Article.

605 Provisions Which Apply to All Structures Existing or Proposed Within the Historic Overlay District:

a. Changes to Identified Historic Resources:

1. Alterations, modifications, removal or the demolition of Identified Historic Resources in the Historic Overlay District shall not be approved nor a building permit issued until such action has been reviewed by the Zoning Officer.
2. The Design Review Committee shall advise the Zoning Officer on matters relating to applications in the HO District. The Committee shall have twenty-one (21) days to make its recommendations from the date the Zoning Officer forwards a copy of such application(s) required under this Article.
3. The provisions of this Article shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site, or object where such work does not require a permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.
4. No new construction, building, site, structure, or object located in whole or in part within the Historic Overlay District shall be erected, and the Zoning Officer shall issue no permit for such action, until a permit is obtained from the Design Review Committee. The Design Review Committee shall pass upon the appropriateness of exterior architectural features only where they can be seen from a public street, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district.

606 Application Procedures:

a. Application for Permit:

1. The application for a permit required to obtain a building, or other permit, or as required before exterior alteration to any building or structure located within a Historic Overlay District may begin, shall be filed with the Zoning Officer, together with the required fee.
2. The application shall include:
 - (a) A site plan at a scale of one (1) inch to for forty (40) feet;
 - (b) Schematic architectural drawings of the proposed construction or changes, at a scale of one (1) foot to one quarter (1/4) inch;
 - (c) Elevations drawn to scale showing alterations as seen from public right-of-ways; and
 - (d) A certification by an architect that the construction, alteration, modification, or rehabilitation proposed by the application is consistent with Section 607 of this Article.

- b. **Standards of Appropriateness:** The standards to be used by the City in determining the appropriateness of any proposed action shall be those contained in Section 607 of this Article.

607 Standards and Considerations for Architectural Review:

- a. **Rehabilitation Standards:** The Secretary of Interior's *Standards for Rehabilitation*, presented in this Subsection, should guide any applicant for a building permit and will be considered by the City in the review of such application.
1. A property shall be used for its current purpose or be placed in a new use consistent with the underlying district.
 2. The historic character of the property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such

as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. New materials, exterior alterations, or related construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 9. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- b. Consideration for Design Review: Among the criteria used in evaluating any proposed new construction, reconstruction, alteration, or restoration of an Identified Historic Resource, or construction of a new building, structure, or object, the City shall consider the following, where relevant:
1. Mass (height, bulk, nature of roof line)
 2. Proportions (height to width)
 3. Consistency with architectural style with nearby structures within the HO District.

4. Nature of yard space
5. Extent of landscaped areas versus paved areas
6. The nature of facade openings (doors and windows), including size, locations, and proportions
7. Type of roof (flat, gabled, hip, gambrel, mansard, etc.)
8. Nature of projections (porches, etc.)
9. Nature of the architectural details and style
10. Nature of the materials
11. Color
12. Texture
13. Ornamentation
14. Signs

608 Application for Demolition: In addition to the review period required in the Historic Overlay District by Section 605.a.1 of this Ordinance, any application for the demolition of an historic resource will be held for an additional twenty (20) days. This “cooling-off” time period will allow for the owner to consider alternatives to demolition as well as permitting other individuals or organizations to offer assistance.

609 Design Review Committee: Upon the approval of a Historic Overlay District, the City Council of the City of Titusville shall appoint a Design Review Committee to assist the Zoning Officer in the review of a request for a permit in the HO District. The Committee shall consist of at least seven (7) persons. These shall include:

- a. A member of the Titusville Planning Commission
- b. A member of a City or County Historic Society
- c. An architect
- d. A residential contractor or builder
- e. A real estate professional

- f. Two citizens at large

The Committee will meet as required, its meetings will be open to the public, public notice as defined in the Pennsylvania Sunshine Act shall be given, and all recommendations shall be in writing.

610 Issuance or Denial of Permits: Required permits shall be issued or denied in thirty (30) days from their submission. For a denial of a permit, a written statement specifying the reason for its denial shall be provided the applicant. The applicant may appeal any denial to the Zoning Hearing Board.

611 Violations, Penalties and Enforcement:

- a. Violations and Penalties: Any person who violates the terms of this Article shall be subject to the fines and penalties imposed by this Ordinance.

Article 7 - Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number shall include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied. Any term used in this ordinance and not specifically defined herein shall be defined as provided in the Pennsylvania Municipalities Planning Code. Any such definition in the Pennsylvania Municipalities Planning Code shall be incorporated herein by this reference.

ACCESSORY APARTMENT: A separate, independent dwelling unit located on the same property as the primary use.

ACCESSORY BUILDING: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ACCESSORY USE OR STRUCTURE: A use or structure which is clearly subordinate and customarily incidental to the main use or structure that it is accessory to and located upon the same lot occupied by the main use or structure.

ADULT DAY CARE: Out-of-home care, for part of a twenty-four (24) hour day, for three (3) or more persons aged eighteen (18) or older, who are not related to the operator.

ADULT ORIENTED BUSINESS: A place of business to which the public is permitted or invited where the primary items for sale or rent consist of books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, or digital video disks, or where instruments, devices, or paraphernalia are offered for sale, all in connection with or depicting "specified sexual activities" or "specified anatomical areas". The term includes any adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theatre, escort agency, modeling studio or sexual encounter center.

AMBULANCE SERVICE: Emergency transportation of the sick and injured, invalid coach service, rental of funeral coaches and limousines and pick up and removal of the deceased.

AREA: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

ASSISTED LIVING FACILITY: Residences for the frail or elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational activities, financial services, and transportation. They are distinguished from personal care boarding homes by their larger size and additional ancillary services.

AUTOMOBILE DEALERSHIP: The use of any building, land area or other premises for the display of new and/or used automobiles, trucks, vans, or motorcycles for sale or rent, including

any warranty repair work and other major and minor repair service conducted as an accessory use.

AUTOMOBILE PARTS/SUPPLY, RETAIL: Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services, as an accessory use.

AUTOMOBILE RENTAL/LEASING: Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

AUTOMOBILE REPAIR SERVICE: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, similar repair, and service activities where minor repairs and routine maintenance are conducted.

BALCONY: An above-grade platform that projects from the wall of a building and is enclosed by a parapet or railing and is used for more than ingress/egress which may or may not be covered.

BASEMENT: A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST HOMESTEAD OR INN: A private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.

BOARD: The Zoning Hearing Board of the City of Titusville.

BOARDING HOUSE: See definition of Rooming/Boarding House.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

BUILDING, HEIGHT: The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof or the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

BUILDING OR SETBACK LINE: The imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

BUSINESS SERVICE: Any business activity that renders service to other commercial or industrial enterprises.

CHURCH: Means a building or buildings used for religious worship or education, which may include accessory uses such as a school, daycare center, auditorium, residence for persons servicing the facility, recreation facilities or book stores. A church is also classified as a place of assembly.

CITY COUNCIL: The City Council of the City of Titusville.

CLUBS OR LODGES: Establishments operated by an organization or entity where people meet or gather for social, fraternal or educational purposes, which may or may not be limited to members or guests and may or may not serve alcohol. Clubs or Lodges are place of assembly.

COLLEGES/UNIVERSITIES: An educational institution recognized by the Commonwealth of Pennsylvania and authorized to award associate, baccalaureate, or higher degrees.

COMMERCIAL AMUSEMENT (INDOOR): A facility which offers various indoor recreational opportunities for its patrons including such games as pool, billiards, physic readings, video games and similar pursuits.

COMMERCIAL INDOOR ENTERTAINMENT: Predominantly spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

COMMERCIAL INDOOR SPORTS AND RECREATION: Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, dance halls, fitness centers, indoor racquetball, swimming, and/or tennis facilities.

COMMERCIAL OUTDOOR ENTERTAINMENT: Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to concert or music halls, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL OUTDOOR SPORTS AND RECREATION: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks and paintball facilities.

COMMERCIAL VEHICLE REPAIR SERVICE: Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and

directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

CONSTRUCTION YARD: Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards and home supply establishments.

CONSTRUCTION SALES AND SERVICE: Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. Typical uses include building material stores and home supply establishments.

CORPORATE OFFICE: A building or portion of a building devoted primarily to the management and administrative functions of a business corporation.

COUNCIL: The City Council of the City of Titusville, Crawford County, Pennsylvania.

DAY CARE FOR CHILDREN: This use is separated into three (3) categories by this Ordinance. They are as follows:

DAY CARE CENTER: An establishment licensed by the Commonwealth of Pennsylvania, which provides supervised care for seven (7) or more children, who are not residents of the premises.

FAMILY DAY CARE HOME: Any premises other than the child's own home, operated for profit, or not for profit, in which child day care is provided at any time to four, five or six (4, 5, or 6) children who are not relatives of the care giver as defined and regulated by the Commonwealth of Pennsylvania.

GROUP DAY CARE HOME: Is a child day care facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are used as a family residence.

DAY CARE CENTER: (See Day Care for Children)

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, the construction or expansion of buildings or other structures, the placement of

mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

DRIVE-IN/DRIVE-THROUGH BUSINESS: A place providing service to the occupants of automobiles, usually without requiring the occupants to leave the automobile. Such service includes banking, serving food or drink to the occupants, or providing entertainment or facilities for transacting business without leaving the automobile. Some drive-in businesses such as gasoline service stations are described separately.

DUMPSTER: An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

DWELLING: Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.

DWELLING/ONE-FAMILY: A building designed for or occupied by one (1) family only.

DWELLING/TWO-FAMILY: A building designed for or occupied by two (2) families living independently of each other, also known as a duplex.

DWELLING/MULTIPLE-FAMILY: A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

DWELLING/DETACHED: A dwelling with yards on all four (4) sides.

DWELLING/MIXED USE: A building or buildings containing two or more uses.

ELECTRONIC SIGN: A sign capable of displaying text, graphics, video, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment, or communication. The following shall be exempt from electronic sign regulations:

- a. Signs utilized by the police department, other law enforcement personnel, and/or emergency service providers.
- b. Signs that indicate only the date, time, and/or temperature, provided that the remainder of the sign remains static at all times.
- c. Score boards for athletic events (indoor and outdoor).

ELDERLY HOUSING: Multi-family dwelling developments [over four (4) dwelling units] restricted to residents who are handicapped, as defined by Federal law or who are aged fifty-five (55) and older. Such restriction must be duly certified and if the development reverts to a general population, it will be considered a change of use, which must conform to this Ordinance.

EQUIPMENT SALES AND RENTAL: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or above ground gas, electrical, telephone, cable television, internet, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but excluding office buildings, the outside storage of equipment or maintenance depots.

FAMILY: A family is:

- a. A single person occupying a dwelling unit and maintaining a household, or
- b. Two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders or roomers.
- c. Not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household.
- d. Permanent group homes for the handicapped or family-like living arrangements for handicapped persons. *Please note: Handicapped persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.*

FAMILY DAY CARE HOME: (See Day Care for Children.)

FINANCIAL INSTITUTIONS: Federal or state chartered banks, savings and loan associations or credit unions, which offer federally insured savings accounts and other financial services to their members or customers.

FIREWOOD: Means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than three inches (3) in diameter.

FLOOR AREA: The sum of the gross horizontal areas of one or more floors of a building.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, that does not involve any land development.

FUNERAL HOME: Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

GARAGE, PRIVATE: An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupants of the principal structure.

GARAGE, SERVICE: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered, but not used for the dismantling or scrapping of motor vehicles.

GASOLINE SERVICE STATION: An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

VEHICLE SERVICE STATION: Buildings and premises where the primary use are the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

REPAIR/SERVICE: Business buildings and premises used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

GASOLINE STATION: Any place of business with fuel pumps and underground storage tanks, which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.

GENERAL OFFICE: The office of a business, corporation, nonprofit organization or other entity.

HEAVY MANUFACTURING: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing and other processes.

HEIGHT OF A COMMUNICATIONS TOWER: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HOME OCCUPATION: Within a dwelling, the conduct of professional services, personal services, and retail sale of articles produced on the premises provided such use is subordinate to the principal use of the dwelling for residential purposes, and provided the space devoted to such use does not exceed thirty-five percent (3035%) of the dwelling (see also No-Impact Home-Based Business).

HOSPITAL: Any establishment where human patients are examined and treated by doctors or dentists and may reside temporarily. Hospitals include nursing or convalescent homes.

HOTEL-MOTEL: A building containing sleeping rooms principally for the use of transients and sometime containing accessory uses, such as kitchen and dining facilities, lounge, meeting rooms, and convention facilities and other business uses permitted within the use district.

IDENTIFICATION SIGN: Signs advertising the occupant's business, industry, or products made or sold on the premises and located on the same lot as the business or industry.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

JUNKYARD: (See Scrap Yard)

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light-weight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products; but not animal slaughtering, curing, or rendering of fats.

LIMITED RETAIL BUSINESS: Small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller size [less than three thousand (3,000) square feet Gross Floor Area] and confining all commercial activities indoors.

LOT: A parcel of land abutting on a public street.

LOT, CORNER: A lot abutting two (2) or more streets at their intersections.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD: The last recording of a lot in the Office of Recorder of Deeds of Crawford County prior to the adoption of this Zoning Ordinance.

LOT, WIDTH: The width of a lot measured at the minimum building line and parallel to the street.

MANUFACTURING: The processing and fabrication of any article, substance or commodity.

METHADONE TREATMENT FACILITY: Shall mean a facility licensed by the Department of Health for the use of the drug methadone in the treatment, maintenance or detoxification of persons.

MOTOR FREIGHT TERMINAL: A lot maintained by a motor freight company which is the origin and/or destination point of short and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

MUSEUM: A building used to store and/or display objects of history, natural history or art - operated by an educational or nonprofit institution.

NO IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity must not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

NONCONFORMING: There are three (3) separate types of nonconformity recognized by the Planning Code, and these are listed below. The nonconforming status is granted only to the use, lot or structure at the date of the adoption of this Ordinance or any amendment thereto which created the nonconformity. Nonconformity shall not be extended to additional property subsequently acquired.

NONCONFORMING LOT: A lot the area of dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: A use, whether of land or structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

OFFICE: A place for the transaction of business.

OFF-STREET PARKING LOT: Any area arranged, designed, used or intended for use for the parking of five (5) or more motor vehicles.

OUTDOOR ADVERTISING: Any sign that is not an identification sign.

OUTDOOR FURNACE: Outdoor furnace means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

PARKING LOT OR GARAGE, COMMERCIAL: A lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.

PARKS AND PLAYGROUNDS: A recreational facility owned by a public body.

PERMITTED USE: Any use of land and/or building(s) in a district, which is in conformity with the provisions of this Zoning Ordinance.

PERSONAL CARE BOARDING HOME (PERSONAL CARE HOME): A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICES: Any commercial establishment providing services pertaining to the person, his apparel or personal effects commonly carried on or about the person and including automatic teller machines (excluding drive-in facilities), shoe repair, tailoring, and clothes cleaning on the premises of wearing apparel brought to the establishment by the customer.

PLACE(S) OF ASSEMBLY: Means any facility where individuals collect to participate, or observe programs or services, or assemble for social or fraternal purposes. This includes such uses as churches, places of worship, theaters, indoor recreation, clubs and lodges as well as similar meeting places. This definition does not include sexually oriented businesses.

PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

PORCH: A permanently covered entrance to a building.

PORTABLE STORAGE UNIT: These are box-type, ground-level, storage units, no more than eight (8) feet wide, seven (7) feet high, and up to twenty (20) feet long. These units are designed to facilitate residential moves or to supply a temporary storage facility during home remodeling. Such units are designed to be delivered by truck to the user's home and then either transported to a new location or removed by the owner. Typical brands are PODS, SAM and PSU. (Note: these measurements are per typical brands.)

PRINCIPAL USE: That use or purpose for which a building, structure, and/or land or major portion thereof, is designed, arranged, or intended, or for which it may be occupied or maintained under the Zoning Ordinance. The use of any minor portion of the building or structure or other building, structure and/or land on the same lot and incident, subordinate, or supplementary thereto and permitted under the Zoning Ordinance shall be considered an accessory use.

PROFESSIONAL HOME OFFICE: An office located in a dwelling in which the dwelling's primary resident(s) conducts business that does not require the assistance of outside employees nor requires personal daily communication with associates or customers. Professions that function as a home occupation in a professional home office shall be limited to the following: accountant, architect, lawyer, insurance agent, planner, land surveyor, engineer, telemarketer, and computer programmer.

PROFESSIONAL OFFICE: The office or studio of physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

PROFESSIONAL SERVICES: Any office for an establishment providing specialized services to the community in the commonly recognized professions (education, engineering, law, medicine, philosophy, science, theology), the arts (architecture, drama, music, painting, photography, writing), and similar activities (insurance, real estate, etc.).

PUBLIC BUILDING: Any building used exclusively for public purposes by any department or branch of government.

PUBLIC GROUNDS; includes:

1. Parks, playgrounds, trails, paths, and other recreational areas.
2. Sites for public schools and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.

PUBLIC UTILITY TRANSMISSION TOWER: A structure owned and operated by a public utility electric company, regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electric transmission lines.

RECONSTRUCTION: Any or all work needed to remake or rebuild all or a part of any identified historic resource to a sound condition, but not necessarily of original materials.

RECREATION:

1. Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee.
2. Recreation, Private/non-Commercial - Clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.
3. Recreation, Public - Recreation facilities operated as a non-profit enterprise by the Borough, any other governmental entity or any non-profit organization which is open to the general public.

REPAIRS: Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

ROOMING/BOARDING HOMES: A dwelling unit or part thereof, in which lodging and meals (boarding home) are provided, for compensation for three (3) or more persons not transients.

RESIDENTIAL ABOVE THE FIRST FLOOR: The provision for residential units in commercial districts above the first floor.

RETAIL USES: Any commercial establishment offering goods, merchandise or other items for sale at retail to the consumer and including bake shops and candy shops where foods are prepared for sale on the premises.

SALVAGE YARDS: (See Scrap Yards)

SCHOOL: Any educational facility owned by a public or non-profit agency.

SCRAP (JUNK OR SALVAGE) YARDS: A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and establishments for the sale, purchase or storage of salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged material as part of manufacturing operations.

SCREENING: Unless otherwise defined in this Ordinance, screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. Screen planting shall mean an evergreen hedge at least six (6) feet high, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least five (5) feet wide.

SELF-STORAGE FACILITY: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SERVICE STATION: Service station or "gas station" means a place of retail business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

SEXUALLY ORIENTED BUSINESS: Is synonymous with adult oriented business.

SHOPPING CENTER: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, with provision for goods delivery separated from customer access.

SIDEWALK SIGN: Sidewalk sign means a sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured, or a sign of similar design.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

STRUCTURE - HEIGHT OF: The vertical height measured from the elevation of the curb to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of a gabled roof.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

TOWNHOUSE(S): A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from another unit by a common wall.

WAREHOUSE: A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field, or a building used primarily for the storage of goods and materials and available to the general public for a fee.

UNTREATED LUMBER: Means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain or paint.

UTILITY LOT: A parcel(s) of land, area of water or combination of land and water within a subdivision or development site designed and intended for the use of residents, occupants of the development or the general public and set aside for nonresidential and/or public service purposes; not including streets, off-street parking or private yard space.

UTILITY SERVICE, MAJOR: Service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature. All overhead service, distribution and transmission lines are included in this definition

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, in any, for the use of individual residential units.

YARD, FRONT: An open, unoccupied space across the full width of the lot, extending from the front line of the building to the front property line of the lot.

YARD, REAR: An open, unoccupied space across the full width of the lot extending from the rear line of the building to the rear property line of the lot.

YARD, SIDE: An open, unoccupied space extending from the front yard to the rear yard line between a building and the nearest side of the lot.

ZONING OFFICER: The Zoning Officer or his authorized representative, appointed by the City Manager.